United Nations A/67/854–S/2013/257

General Assembly
Security Council

Distr.: General
1 May 2013
English
Original: Arabic

General Assembly
Sixty-seventh session
Agenda item 105
Measures to eliminate international terrorism

Security Council
Sixty-eighth year

Identical letters dated 30 April 2013 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from the Government of the Syrian Arab Republic, I wish to transmit the following information.

On the morning of 29 April 2013, Damascus was struck by yet another terrorist act. A car bomb exploded near the Ibn Rushd gardens at an intersection in the Mazzah area. It targeted the convoy of Prime Minister Wa'il al-Halqi, killing 4 people, injuring 16 and inflicting significant material damage on the Communications building and a kindergarten in the area, which is densely inhabited and busy with traffic. On the morning of 30 April 2013, armed terrorist groups committed a further terrorist atrocity by causing an explosion in the Marjah area of Damascus, which is the commercial and historic centre of the city. According to first estimates, 13 civilians were killed and over 70 injured, some of them seriously.

Those terrorist acts are part of an organized succession of terrorist attacks targeting civilians, State institutions, public and private property, mosques and churches. One such example was the targeting of the densely inhabited Shahbandar area on 8 April 2013. Moreover, armed men have directed random mortar fire at densely inhabited areas, killing dozens of civilians, injuring hundreds and damaging public and private property.

The Prime Minister chairs the ministerial committee to follow up implementation of the political programme to resolve the crisis in Syria. The attempt on his life therefore clearly demonstrates the perpetrators' rejection of the political solution. It shows the true criminal face of the armed groups and their backers, who provide political cover for their strategy of terrorism and destruction as the sole means to realize their political and ideological aims, which run counter to modern humanitarian values and human nature in equal measure.

This cowardly act shows that such individuals are failing as a result of the progress made by the ministerial committee, which has consulted with political and

Please recycle

social forces that wish to participate in the political process and help formulate concerted approaches for the success of the political programme to resolve the crisis in Syria.

The Syrian Arab Republic reiterates that the terrorist acts have continued because the Al-Qaida-linked armed terrorist groups that perpetrate them receive various forms of support, including funds, training and weapons. Such support clearly violates the concerned States' counter-terrorism obligations under the principles of international law and United Nations resolutions.

The Syrian Arab Republic recalls the demands contained in all of its previous letters to the Secretary-General and the President of the Security Council. These terrorist atrocities must be condemned clearly, resolutely and without scope for ambiguity or interpretation. An end must be brought to the support provided by a group of regional, Arab and other States, which are determined to perpetuate the violence and block the political solution to the crisis in Syria. The Syrian Arab Republic repeats its demand that the Security Council should adopt a resolute stance affirming its determination to combat terrorism wherever and whenever it occurs and stressing its genuine intention to enforce the relevant resolutions. Failure to take any measures against such terrorist acts would amount to a setback in international efforts to combat and eradicate terrorism.

I should be grateful if this letter could be circulated as an official document of the General Assembly, under agenda item 105, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2013/258

Security Council

Distr.: General
1 May 2013

Original: English

Report of the Secretary-General on children and armed conflict in Myanmar

Summary

The present report, submitted pursuant to Security Council resolution 1612 (2005) and subsequent resolutions, covers the period from 1 April 2009 to 31 January 2013 and is the third report on children and armed conflict in Myanmar to be submitted to the Security Council and its Working Group on Children and Armed Conflict. The report provides information on grave violations against children in Myanmar and identifies parties to the conflict responsible for such violations.

During the reporting period, the country task force continued to verify incidents of child recruitment and other grave violations by the Myanmar Armed Forces (Tatmadaw) and other parties to the conflict. In June 2012, pursuant to Security Council resolutions on children and armed conflict and in line with previous conclusions of the Working Group of the Security Council on Children and Armed Conflict, an action plan to end and prevent the recruitment of children by the Tatmadaw was signed between the Government of Myanmar and the country task force. This significant development builds on ongoing initiatives by the Government of Myanmar to address the issue of underage recruitment into military service, including through training and awareness-raising activities for military personnel on international and national human rights, strengthening child protection systems at local and national levels, and its commitment to end the use of forced labour, including underage recruitment, by 2015.

The report notes that the country task force and its partners remained constrained by access and security impediments that presented a challenge for effective monitoring, verification and reporting of grave violations against children by listed parties in Myanmar. The report contains a series of recommendations aimed at strengthening action for the protection of children affected by armed conflict in Myanmar.

13-28364 (E) 100513

Please recycle

I. Introduction

1. The present report, which covers the period from 1 April 2009 to 31 January 2013, has been submitted pursuant to Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012) and specifies grave violations against children affected by armed conflict in Myanmar. It is a follow-up to my second report (S/2009/278), and provides an update on implementation of the conclusions of the Working Group of the Security Council on Children and Armed Conflict (S/AC.51/2009/4) issued on 28 October 2009, pursuant to my second report.

II. Political, military and social developments in Myanmar

2. From 2010 to 2012, conflict continued between the Government and the Shan State Army South (SSA-S) in southern Shan State. Tensions between the Tatmadaw and the Shan State Army North (SSA-N) escalated into clashes from June 2011 onwards, resulting in internal displacement of civilians. Also in June 2011, fighting resumed between the Kachin Independence Army (KIA) and the Tatmadaw, breaking a 17-year-old ceasefire agreement. Clashes also continued on the Thai-Myanmar border between the Karen National Liberation Army (KNLA) newly allied to the Democratic Karen Benevolent Army (DKBA)[1] Brigade 5 and the Tatmadaw and DKBA border guard force.

3. Ceasefire-related discussions between the Government and non-State armed groups that had begun under the previous Government gained momentum during the reporting period. In April 2009, the Government attempted to direct non-State actors with which it had a ceasefire agreement either to disband their armed groups and transform into political parties, or to become an armed border guard force under the command of the Tatmadaw. Since the elections in 2010, the new Government has resumed outreach to non-State armed groups, resulting in ceasefire agreements with 10 out of 11 major ethic armed groups. Out of the seven Myanmar parties listed in the annexes to my eleventh annual report (S/2012/261), six had concluded ceasefire agreements with the Government at the end of the reporting period. KIA is the only listed party that did not have a ceasefire agreement with the Government, although recent talks between KIA and the Government have shown promise.

4. As part of the peacebuilding and national reconciliation process, President Thein Sein announced the establishment of a 52-member Union Peace-making Committee and an 11-member Union Peace-making Central Committee, with the President as Chair. In November 2012, the Myanmar Peace Centre was established in Yangon, serving as the secretariat of the two committees above-mentioned and providing a common platform for all actors involved in the peace process.

5. The elections held in November 2010 and the appointment of a civilian-led administration in March 2011 have yielded opportunities for enhanced collaboration between the Government and the international community. Nevertheless, during the reporting period, access to vulnerable groups, including children, in many areas of the country continued to be challenging for United Nations agencies and other international humanitarian and development actors, and continued to limit the

[1] In 2011, the Democratic Karen Buddhist Army changed its name to Democratic Karen Benevolent Army, as the armed wing of the Klohtoobaw Karen Organization.

ability of the country task force and its partners to monitor and report on grave violations perpetrated against children by all parties to the conflict.

III. Grave violations of children's rights

6. Limited access, or lack of access, in some ceasefire, non-ceasefire and conflict-affected areas and security constraints, continue to present a challenge to reporting and documenting grave violations against children by listed parties in Myanmar. The present report is only indicative of the gravity and scale of violations against children.

A. Recruitment of children by armed forces and groups

Tatmadaw Kyi (Tatmadaw including integrated border guard forces)

7. Although the Government has made strides to halt all recruitment of children into its armed forces in line with relevant legislation, the Tatmadaw continued to recruit and use children throughout the reporting period. The country task force on monitoring and reporting documented incidents and allegations of child recruitment reported through Government agencies, action plan processes, and other credible sources. The International Labour Organization (ILO) forced labour complaints mechanism also contributed to identifying cases of child recruitment in Myanmar. From the cases recorded, including cases of the release of children notified by the Tatmadaw, the majority of recruitment incidents occurred in Yangon, Mandalay, Bago and Ayeyarwaddy Regions.

8. From April 2009 to December 2012, the country task force was notified of the release of 448 cases of underage recruits from the Tatmadaw. Of these, 148 were recruited in 2009, 84 in 2010, 63 in 2011 and at least 18 in 2012. Sixty-seven cases were recruited prior to the reporting period. For the remaining 135 cases, information on date of recruitment is not available. It should also be noted that at least 12 cases of underage recruitment into the Tatmadaw were reported to the country task force since signature of the action plan in June 2012.

9. During the reporting period, the ILO forced labour complaints mechanism received 802 complaints of underage recruitment by the Tatmadaw, of which 770 were verified.[2] Of these, 172 related to recruitment in 2009, 134 in 2010, 123 in 2011 and 32 in 2012. The remaining verified cases took place outside of the reporting period. The number of complaints increased from 78 in 2009 to 274 in 2012.

10. The above figures indicate a steady decrease in underage recruitment by the Tatmadaw throughout the reporting period. This may be attributed to ongoing efforts of the Committee for the Prevention of Military Recruitment of Underage Children to strengthen screening and documentation procedures for recruitment. Concurrently, the increase in the number of reported complaints of underage recruitment reflected an enhanced awareness among the Tatmadaw and the general

[2] Underage recruits released under the ILO forced labour complaints mechanism include cases who were recruited *under* the age of 18 years and are *over* the age of 18 years at the time of complaint and discharge, recognizing that reaching the age of majority for a person who was recruited as a child does not serve to legitimize his/her illegal recruitment.

public of the issue of underage recruitment and of channels for raising cases, including through implementation of the action plan, the ILO forced labour complaints mechanism, local-level child protection groups, and national and international protection actors.

11. Recruiters continued to target working and unaccompanied children at workplaces, bus and train stations, ferry terminals and markets and in the streets, and orphans and non-working children in home villages and wards. Recruitment from railway stations was common owing to the fact that a number of recruitment unit branches are located in central railway junctions. The country task force noted that the majority of boys recruited were between the ages of 14 and 17 years. However, at least 60 cases of underage recruitment during the reporting period related to children between the ages of 11 and 13. Children as young as 10 years old have also been reported to have been recruited in the Tatmadaw.

12. Cases of verified child recruitment included children who had "voluntarily" joined the Tatmadaw and others who had been forced by threat or deception. These children pointed to a number of reasons for joining the Tatmadaw, including extreme poverty, lack of livelihood opportunities; the desire to join peers, avoidance of school; and problems with family members or relatives. In one such case, in May 2009, a 15-year-old boy who had quarrelled with his mother approached the recruitment unit in Yangon where he was recruited. The boy was released a few months later after his parents complained to the Tatmadaw. Children who were deceived into joining the Tatmadaw indicated that they were enticed by Tatmadaw soldiers or by civilian brokers with the promise of jobs and a good salary, and then forced to enlist. In some cases, underage recruits indicated that they only became aware of their official recruitment after receiving uniforms or being sent to training school. Two cases of abduction by Tatmadaw soldiers were also reported. In 2012, the country task force verified two cases of child recruitment by the Tatmadaw involving abduction of boys (16 and 17 years of age) reportedly by infantry battalion soldiers who forced the boys to join the army under threat. Both boys managed to escape from the battalion where they were initially being held prior to recruitment.

13. The country task force has received information that underage recruits continued to be deployed to the frontline with exposure to combat duties. In May 2012, the country task force was notified of nine cases of underage recruits associated with the Tatmadaw who were deployed to the frontline in Kachin State, where they were captured and held by KIA. ILO facilitated the release of the underage recruits and is liaising with the Tatmadaw for the official discharge of those released. While one child reportedly ran away prior to release, the remaining eight were released on 14 January 2013. The United Nations Children's Fund (UNICEF), in collaboration with the Department of Social Welfare and local partners, facilitated the provision of temporary shelter and reintegration support for each case.

14. The country task force observed a trend in the reporting period of "cross-recruitment", where soldiers from battalions in one part of the country recruited in another region, possibly when on home leave or travelling on mission. For example, in September 2011, a 13-year-old boy from Laputta Township in Ayerwaddy Region was coerced into leaving his home village by a neighbour and a Tatmadaw private from a battalion from Kalaw Township in Shan State, hundreds of kilometres away. Reportedly, incentives such as promotion prospects, granting of leave, permanent

discharge or avoiding punishment for absence without leave exist for Tatmadaw soldiers who find new recruits. The country task force remained concerned that such practices, along with the use of civilian brokers, increase the risk of recruitment from vulnerable groups.

Non-State armed groups that transformed into border guard forces

15. Two non-State armed groups transformed into border guard forces under the aegis of the Tatmadaw during the reporting period and no longer operate independently of the Tatmadaw.

Karenni National People's Liberation Front

16. On 8 November 2009, the Karenni National People's Liberation Front (KNPLF) transformed into a Tatmadaw border guard force. The country task force has no information on whether the demobilization of children formed part of the discussions between the Tatmadaw and KNPLF. KNPLF was removed from the annexes to my annual report on Children and Armed Conflict and is now under the command of the Tatmadaw integrated border guard forces.

Myanmar National Democratic Alliance Army

17. Credible reports were received that children were seen at the Myanmar National Democratic Alliance Army (MNDAA) checkpoints during the clashes between MNDAA and the Tatmadaw in August 2009. The clashes caused the displacement of thousands of ethnic Kokang into China. According to information obtained by the country task force, the majority of what remained of MNDAA transformed into a border guard force (as Tatmadaw battalion 1005) in 2010. The country task force has no information on whether the demobilization of children formed part of the discussions between the Tatmadaw and MNDAA.

Non-State armed groups in Myanmar

18. Throughout the reporting period, the country task force continued to receive reports of recruitment and use of children by non-State armed groups in Myanmar. The presence of children in these groups remains an issue of serious concern. In the action plan signed in June 2012, the Government committed to take all feasible measures to facilitate processes that seek to end child recruitment by non-State armed groups. Invoking this provision, the country task force continued to advocate with the Government to engage in dialogue with non-State parties on prevention of recruitment and other grave violations against children, as well as greater access for monitoring.

Democratic Karen Benevolent Army

19. DKBA transformed into a border guard force in August 2010. However, Brigade 5 of DKBA remained outside the border guard arrangements and loosely allied itself with KNLA. In 2011, reports were received of troops deserting from the DKBA border guard force to join the breakaway DKBA Brigade 5. Consequently, it has been difficult to ascertain whether reports of grave violations received after August 2010 refer to the DKBA border guard force or to DKBA Brigade 5. Previous reports received by the country task force in 2009 and 2010 indicated that many DKBA soldiers, including children, were allegedly recruited through a variety of methods, including village lotteries, forced recruitment and coercion, as part of the

organization's efforts to scale-up in preparation for transformation into a border guard force. Armed children were observed working for DKBA-run businesses, particularly DKBA-run tollgates. In one township in Kayin State, locals estimated that at least 50 children were working for DKBA in their township alone. In 2011, the country task force continued to receive reports with respect to both the DKBA border guard force and DKBA Brigade 5 of forced recruitment and coercion, irrespective of age, unless payment in lieu of recruitment was received. In November 2011, DKBA Brigade 5 signed a ceasefire agreement with the Government.

20. The country task force was able to verify six cases of child recruitment by DKBA in Kayin State during the reporting period, involving children between the ages of 10 and 16 years. One case involved a 10-year-old girl who was recruited by DKBA as a porter for food and cooking items. Another three cases involved children being used as porters on a temporary basis. One case involved an 11-year-old boy who was recruited by DKBA for use as a porter for a period of 10 days in June 2009.

Kachin Independence Organization/Kachin Independence Army

21. Reports of increased recruitment by KIA were regularly received by the country task force in the latter half of 2011 and early 2012 as tensions mounted in Kachin and northern Shan States. For example, the country task force received a complaint in June 2011 of the alleged recruitment by KIA of four girls for military training. In August 2011, the country task force received information on the case of a 15-year-old boy from Hpar Khant, Kachin State, who was found guilty of destroying public property by laying mines for KIA. There were reports that KIA was actively recruiting in urban areas, among Kachin families, and that the recruitment did not exclude children. The country task force also received allegations of children joining KIA to avoid being picked up by Tatmadaw forces for use as porters on the front line. In 2012, additional reports indicated that children were present in the ranks of KIA. One indicative case reported in April 2012 involved the abduction of three boys, approximately 14 years old, by KIA from a village in Wine Maw Township. In December 2012, reports of forced recruitment and use by KIA of villagers and internally displaced persons (IDP) in camps in Kachin State, including children, were received but could not be verified owing to lack of access to the area. Reports from child protection partners alleged that a KIA requirement for each family to provide one male member for KIA service was resulting in child recruitment.

Karen National Union (KNU)/KNLA Peace Council

22. The KNU/KNLA Peace Council reportedly includes children. On only one occasion (during the previous reporting period) have representatives of the country task force had the opportunity to meet with the Peace Council. In 2010, the Peace Council refused to transform into a border guard force in keeping with Government orders. On 7 February 2012, the Peace Council renewed a ceasefire agreement (originally signed in 2007) with the Government.

Karen National Union/Karen National Liberation Army

23. On 25 April 2009, KNU/KNLA issued a press release highlighting the fact that it had invited the United Nations on several occasions to monitor its military bases and areas of operations and had offered open and independent access for compliance

verification. KNU/KNLA also expressed its willingness to enter into dialogue with the United Nations to verify compliance with its commitment not to recruit or use children. KNU/KNLA also committed to investigate any allegations of child recruitment received.

24. The country task force verified reports of six cases of child recruitment by KNU/KNLA during the reporting period. In one incident, a 14-year-old boy was recruited from a refugee camp into KNU/KNLA.

25. KNU/KNLA signed a ceasefire agreement with the Government of Myanmar on 12 January 2012, which was breached when armed conflict broke out again in March and June 2012. Peace negotiations between KNU/KNLA and the Government took place in September 2012. It should be noted that in 2007 KNU/KNLA sought to conclude an action plan with the United Nations in line with Security Council resolution 1612 (2005). As the security situation improves, the country task force will prioritize engagement with KNU/KNLA, calling on provisions of the action plan signed by the Government in 2012 to facilitate access to non-State armed groups for purposes of dialogue on ending and preventing the recruitment of children.

Karenni National Progressive Party/Karenni Army

26. On 18 April 2009, the Executive Committee of the Karenni National Progressive Party (KNPP) issued a press release, in addition to the communiqué to my Special Representative, highlighting the fact that it had invited the United Nations on several occasions to monitor its military bases and areas of operations and had offered open and independent access for compliance verification, as well as expressed its willingness to enter into dialogue with the United Nations. It noted that all children will be free from conscription into the Karenni Army (KA) and appealed for the group to be removed from the annexes. KNPP also committed to investigate any allegations of child recruitment received. KNPP signed a ceasefire agreement with the Government in mid-2012 and peace talks are continuing. It should be noted that in 2007 KNPP/KA sought to conclude an action plan with the United Nations in line with Security Council resolution 1612 (2005). As the security situation improves, the country task force will prioritize engagement with KNPP/KA in 2013, calling on provisions of the action plan signed by the Government in 2012 to facilitate access to non-State armed groups for purposes of dialogue on ending and preventing the recruitment of children.

Shan State Army-South

27. Children are present in SSA-S. As tension mounted in Shan State in 2011, the country task force received reports of further child recruitment by SSA-S. In a report received in July 2011, SSA-S was said to have allegedly enlisted 216 "youth", both male and female, to fight against the Tatmadaw. The country task force received additional credible information of SSA-S child recruitment in Moe Ne Township in southern Shan State, where, in August 2011, a total of 60 people were said to have been recruited from villages in that township, two of whom were 13 years old.

United Wa State Army

28. The country task force received allegations that the armed conflict in Laukai at the end of August 2009 resulted in the reinforcement and deployment of United Wa

State Army (UWSA) troops in the respective frontier areas. This included a requirement for ex-Wa armed personnel and youth in many villages to be on standby in case of combat. The country task force received reports that, beginning in June 2009, local authorities in the villages undertook new recruitment and that militia training was ongoing at the village level. Child recruitment was reported in some villages where adult candidates were not available from selected households. A number of credible reports in 2012 indicated that children were still present in the ranks of UWSA. The country task force also received information on the use of boys by UWSA at checkpoints and to secure UWSA offices.

29. The country task force also received allegations of up to 17 recruits, including children, being trafficked by a civilian broker based in Namkham in Shan State to UWSA. The country task force was able to verify a case in October 2010 in which two children and three youths 18 years old left their village, ostensibly to work as agricultural labourers in the Palaung ceasefire area, but instead were trafficked to UWSA, where they had to undertake forced labour.

B. Killing and maiming of children

30. During the reporting period, children were victims of landmines, unexploded ordnance, improvised explosive devices, mortar and rocket-propelled grenade attacks, and cross-fire between armed groups and the Tatmadaw. The majority of reported incidents took place in Kachin and Kayin States. During the reporting period, the country task force verified that at least 55 children were killed or maimed as a result of conflict-related violence, while a further 38 unverified reports of children being killed or maimed were received. These figures are indicative only of the scale and severity of incidents affecting children in conflict areas, as access remained severely limited.

31. In Kayin State, in January 2012, a bomb reportedly laid by KNU injured four children (2 boys, 10 and 12 years old; and 2 girls, 14 and 17 years old) and killed a 12-year-old girl. In Kachin, an incident of maiming of a 12-year-old boy was reported and verified by the country task force on monitoring and reporting in June 2012. The incident was reportedly caused by a Tatmadaw mortar that exploded in front of the boy's house. The Tatmadaw and non-State armed groups, such as KNU/KNLA, KNPP/KA, DKBA, UWSA and KIA, continued to use anti-personnel mines in order to restrict the movement of people, to hinder the movement of troops or to mark areas of operations. In one case in September 2009, a 13-year-old boy was maimed by a landmine in an area occupied and patrolled by DKBA. In another case, on 14 March 2010, a 14-year-old boy and two 16-year-old girls sustained serious injuries when their bus travelling to Shwe Kyin Township in Mon State hit a mine. On 12 February 2011, a 7-year-old girl sustained multiple injuries to her legs as a result of a landmine in Kawkreik Township in Kayin State. In Kayah State, three children died and one was injured in a mine-related incident in mid-2012. On 20 January 2013, two boys (ages 14 and 15 years) were killed and one boy was injured by a landmine explosion in Kachin State.

32. In Kachin, where conflict continued throughout the reporting period, the country task force received nine reports of killing and maiming of children in the latter half of 2011 owing to fighting between the Tatmadaw and KIA, of which it was able to verify four incidents. In June 2011, a 16-year-old girl from Bamaw

Township died when caught in cross-fire between the Tatmadaw and KIA. In August 2011, a three-year-old boy was killed in cross-fire while fleeing his village in Bamaw Township with his grandmother. In the same month, five children and one teacher were seriously injured when their school in Mansi Township was fired on by the Tatmadaw. In October 2011, the country task force confirmed that KIA troops shot at a family at their residence in Muse Township, where two were injured and three killed, including the 14-year-old son of the household. Also in October, a toddler and his parents were killed during an attack on a village by a Tatmadaw light infantry battalion in Mansi Township. Reports also include a July 2011 incident in which a 17-year-old boy in Kamaing Township was reportedly shot by the Tatmadaw while trying to flee recruitment as a porter. As the conflict intensified between the Tatmadaw and KIA in Kachin State in late 2012 and early 2013, including air strikes and shelling of KIA military posts by the Tatmadaw and the use of improvised explosive devices by KIA in public places, the country task force received reports of at least 10 children injured and 6 children killed, between the ages of 2 and 17 years, in January 2013.

C. Sexual violence against children

33. Throughout the reporting period, the country task force received credible information from a number of sources of incidents of rape and sexual violence perpetrated both by the Tatmadaw and by non-State armed groups. Rape and sexual violence are prohibited under the Myanmar Penal Code, and cases perpetrated by civilian offenders are investigated and prosecuted through the police and courts. However, the prosecution of rapes by Tatmadaw soldiers falls under the jurisdiction of military courts. Little is known about these processes, notably about the investigation and prosecution of sexual violence by non-State armed groups. Continuing conflict in the south-east part of the country in the first half of the reporting period, and renewed conflict in Shan and Kachin States, resulted in increased reports of sexual violence in 2010 and 2011. However, the United Nations has been unable to verify these reports.

D. Abduction of children

34. As described above, during the reporting period there were allegations and verified cases of children being abducted for recruitment purposes, indicating that a pattern of abductions still persists, particularly with those who are used by Tatmadaw battalions at a young age and kept informally in battalions without being presented to recruitment units and training schools.

35. In addition, the country task force received reports of children abducted for retaliation, or on suspicion of association with enemy parties, both by the Tatmadaw and non-State armed groups. In one case in February 2011, KNU/KNLA reportedly abducted five boys (between the ages of 10 and 13 years) in Wut Gyi village in Hpa-an Township of Kayin. Children from Thandaunggyi Township, Kayin State, were taken by the Tatmadaw on the basis of suspicion of association with non-State armed groups. Villagers also reported that young girls are married under the age of 15 years in order to provide a limited form of protection from abduction by the Tatmadaw and armed groups such as KNU/KNLA, the DKBA border guard force and DKBA Brigade 5. In May 2012, the country task force received credible reports

that 50 KIA soldiers had entered a village in Waing Maw Township in Kachin and abducted 17 Shan ethnic minority villagers, including three girls, aged 13, 14 and 15 years. The whereabouts of the three girls are still unknown.

E. Attacks on schools or hospitals

36. During the reporting period, the country task force documented regular school and clinic closures in Kayin, Kachin and, to a lesser extent, Shan States owing to conflict. In addition, there were a number of reports of attacks on schools and hospitals by the Tatmadaw and other non-State armed groups. In Kayin State, the country task force verified an incident in February 2010 following an offensive conducted by Tatmadaw light infantry battalions in Ler Doh Township, Nyaunglebin District. During the offensive, a high school and nursery school in Thi Baw Tha, Kwee Lah village tract were destroyed. In addition, Thi Baw Tha clinic, serving approximately 3,000 people, was burned down. On 11 May 2011, the country task force verified that the public hospital in Kawkareik in Kayin State was partially destroyed as a result of fighting between the Tatmadaw and DKBA/KNLA alliance forces.

37. With the resurgence of conflict in Kachin State in 2011 and 2012, the country task force received reports of schools being closed for long periods and schools damaged by shelling and mortar fire. In July 2011, the country task force documented that a school in Mone Hkawng village in Mansi Township was damaged by a Tatmadaw mortar attack. In August 2011, the country task force verified a case that a school in Kawng Lwin village in Mansi Township was damaged by artillery fire. In the same month, the country task force received reports that the Tatmadaw had laid mines near a school in a village in Myitkyina Township in order to prevent KIA from using the school as a base. The village rural health centre was destroyed and looted by Tatmadaw soldiers based in the village. Also in August 2011, a school in the Ngan War region of Kachin was hit by a mortar. Five children and one teacher were seriously injured. As conflict escalated in late 2012 between the Tatmadaw and KIA, the country task force received reports that several schools in conflict-affected areas of Kachin such as Hpakan, Laiza, Myitkina, Bhamo, Injanyang and Waingmaw remained closed through January 2013 owing to fear for student safety and danger caused by shelling, air strikes and mortar fire. In a verified incident on 13 September 2012, Tatmadaw soldiers reportedly opened fire on civilians in Sut Ngai Yang village in Kachin, killing a 14-year-old girl in school uniform, who was shot in the back when returning home from Hpakan Basic High School with her teacher and friends. The girl was reportedly prevented by the Tatmadaw from seeking immediate medical assistance until three hours after the incident. On the same day, Tatmadaw soldiers from Hpakan military base also reportedly fired a series of mortar rounds in the same village, with some exploding near Sut Ngai Yang primary school.

F. Denial of humanitarian access

38. Recent political developments have yielded opportunities for enhanced collaboration between the Government and the international community, including engaging in dialogue on humanitarian access. For example, in 2011, following renewed insecurity in Kachin State, United Nations agencies and non-governmental

organizations (NGOs) were able to undertake a rapid assessment and respond to identified needs in government-controlled areas. Also in 2011, agencies were approached to resume activities in areas such as the Wa Special Region, where some of the agencies had been requested to suspend operations in 2009 on grounds of security concerns.

39. Despite progress in access, the Government continued to restrict access to various parts of the country throughout the reporting period, citing security concerns as the main reason for limiting the presence and travel of international and national personnel of relief agencies. During the reporting period, the United Nations continued to advocate with the Government of Myanmar and non-State armed groups for access to all IDP locations in conflict areas, including Kachin State. While assistance could generally be provided to areas serviced by the Government in Kachin State, access for United Nations assistance through convoys to most IDP locations in hard-to-reach areas has not been granted since mid-July 2012, citing security concerns. As access negotiations continue, the United Nations is providing assistance, where possible, through implementing partners on the ground in and around conflict zones. In March 2013, encouraging progress was made in talks between the Government and the Kachin Independence Organization on access and the delivery of humanitarian assistance to affected areas of Kachin.

IV. Dialogue and action plans to redress violations and abuses committed against children

A. Progress on dialogue and action plans with the Government of Myanmar

40. On 27 June 2012, following six years of negotiations, assisted by my Special Representative, the Government of Myanmar and the country task force signed an action plan to end and prevent the recruitment and use of children in the Tatmadaw, including the integrated border guard forces. The action plan was signed in the presence of my Special Representative on Children and Armed Conflict.

41. The action plan contains a set of commitments to be pursued by the Government and the country task force over an initial 18-month timeframe. The commitments include the systematic identification, registration and release of all children under the age of 18 recruited and used in the Tatmadaw; the reintegration of such children into their communities; the strengthening of recruitment procedures to ensure the prevention of further child recruitment by the Tatmadaw; public awareness-raising on prevention and release; training and capacity-building for the Tatmadaw on international human rights, humanitarian law and child protection; and the strengthening of disciplinary action against perpetrators.

42. Following signature of the action plan, the Tatmadaw appointed a senior liaison officer to oversee its implementation. In addition, a joint committee comprising country task force members and officials from the Tatmadaw and the Ministries of Foreign Affairs; Social Welfare, Relief and Resettlement; and Defence was formed.

43. Since June, progress has been made in the implementation of the action plan. The country task force and the Tatmadaw developed detailed operational procedures

for the identification, the verification and the discharge of children under the action plan. In August 2012, the Tatmadaw, with support from the country task force, organized training for military focal points on the action plan and operational procedures. The Tatmadaw reported that multiplier trainings on the action plan were carried out by military focal points in each regional command, throughout September 2012, targeting battalion adjutants as the persons responsible for identifying and registering suspected children within their battalions. In addition, the Tatmadaw issued directives on implementation of the action plan and has developed communications materials on the action plan to be distributed to military personnel at all levels.

44. In September 2012, under the framework of the action plan, a total of 42 children were discharged by the Tatmadaw at a discharge ceremony in Yangon. In October 2012, the country task force submitted 25 new cases of child recruits, received through the ILO complaints mechanism, to the Tatmadaw senior liaison officer for further verification under the action plan framework, the verification of which was still pending at the end of the reporting period. By December 2012, a further 24 suspected children were identified by the Tatmadaw and later discharged in February 2013. The country task force highlighted the fact that the identification and the discharge of children in the first six months of the action plan has been both slow to proceed and low in number. It is anticipated that numbers identified for discharge will increase significantly as the Tatmadaw rolls out the identification process across all military units, as country task force monitors are able to access operational regiments, and as communication materials on the action plan are disseminated within the Tatmadaw and to the general public as part of a multi-media information campaign to be launched in early 2013. A dedicated telephone line and postal box were established by the country task force in November 2012 to receive information from the general public on cases of child recruitment.

45. Without prejudice to the progress made in implementing the action plan, since January 2013, the country task force highlighted the four following concerns regarding substantive implementation of the action plan to be addressed as a matter of urgency:

(a) **Identification and discharge of children**: to date, the identification of children has been proceeding slowly, with limited dissemination of information on the action plan beyond senior levels of the Tatmadaw. In response to this challenge, dialogue intensified between senior level officers and members of the country task force on monitoring and reporting. The Tatmadaw has informed the country task force of some of the challenges faced in identifying children and verifying ages, particularly the difficult and time-consuming process of discovering falsified documents and tracing authentic age-verification documents, noting that many people do not have original versions of key documentation such as birth certificates, family lists or school leaving certificates to enable prompt and proper verification. Despite these challenges, the Tatmadaw reported that the identification process is ongoing under the supervision of regional commands. At the time of reporting, however, the country task force was not able to verify or support the implementation of the identification process at the battalion level, which hampers timely compliance efforts.

(b) **Unconditional access for the country task force to monitor implementation of the action plan across all military facilities where children may be present**: the action plan stipulates that country task force monitoring teams

will have access to military bases, prisons and other places where children may be present to monitor and verify implementation of commitments under the plan. However, in December 2012, the Tatmadaw advised the country task force that access to operational regiments/battalions would be subject to their consideration upon completion of country task force monitoring of regional commands, recruitment and training facilities. As at 31 January 2013, monitoring activities of the country task force to verify implementation of the action plan remained restricted by the Tatmadaw to regional commands, recruitment units and training schools.

(c) **Dissemination beyond senior level officers**: at the end of the reporting period, the country task force noted that awareness of the action plan and its key commitments was limited to senior military personnel at headquarters and regional levels, and to focal points directly engaged in the implementation of the action plan. There remains a need for active dissemination of the action plan to military personnel at all levels within the Tatmadaw to ensure that the commitment to identify and discharge children from the Tatmadaw is well understood and implemented across all ranks. In parallel, the country task force is pursuing community-based monitoring activities under the action plan, including public awareness-raising on the action plan, to support further identification of children in the Tatmadaw and to accelerate compliance.

(d) **An exception regarding "relaxation of age restrictions"**: despite the Tatmadaw's demonstrated commitment to ending and preventing the recruitment of children under the age of 18 years through the signature of the action plan, the country task force expressed concern regarding an existing Tatmadaw exception that contradicts the purpose of the action plan by allowing the recruitment of children who are 16 years old who have passed the tenth grade and have obtained special authorization from the Office of the Adjutant General. The Government shared correspondence dated 31 January 2012 and 6 March 2009 related to the "relaxation of age restrictions for military service in the armed forces" and referring to letter No. 1/131/Yay 1(a) of 30 April 1996 articulating this exception. The Government informed the country task force that, in 2012, a total of 167 recruits falling within this exception were enlisted. The country task force highlighted the inconsistency between this exception and a core aim of the action plan to identify and release all children recruited under 18 years of age. At the time of reporting, dialogue was continuing between the Tatmadaw and the country task force to address this concern in line with the action plan.

46. The country task force is working closely with the Tatmadaw to jointly explore ways to address these concerns. Significant substantive implementation of the action plan will need to be prioritized in the next reporting period. This can best be demonstrated through (i) consistent, continuous and comprehensive identification and registration of children and timely discharge of those identified; (ii) active dissemination of the key commitments under the action plan to ensure that all military personnel are aware of its commitments and encouraged to support effective identification and verification of children; and (iii) prompt facilitation of country task force access to military facilities, including operational regiments, in order to verify progress against the action plan and support its implementation at the ground level.

B. Progress on dialogue and action plans with non-State actors

47. During the reporting period, there was little direct dialogue between the country task force and non-State armed groups on grave violations against children owing to access restrictions by the Government in conflict-affected ceasefire and non-ceasefire areas. The country task force continued to advocate with the Government at the highest levels to facilitate access to non-State armed groups for the purposes of dialogue to end and prevent the recruitment and use of children. Within the provisions of the action plan signed in June 2012, the Government committed to take all feasible measures to facilitate processes that seek to end child recruitment by non-State armed groups, and to secure the release and discharge of children within its sovereign territory. Government compliance with these provisions has yet to be tested, as efforts in the latter half of 2012 focused on supporting effective identification and discharge of children from the Tatmadaw. However, the country task force continued to advocate with the Government and with non-State armed groups to include the protection of children affected by armed conflict as an important aspect of ceasefire negotiations and peace talks. These efforts were reinforced by the Government having signed a Memorandum of Understanding in June 2012 with the ILO to end the use of forced labour, including the recruitment of minors, by 2015.

48. The country task force, in conjunction with my Special Representative, continues to advocate for the inclusion of the action plan commitments in any peace dialogue between the Government of Myanmar and non-State armed groups listed in my annual report on children and armed conflict.

V. Follow-up and programmatic response to violations and abuses committed against children

Prevention of recruitment and addressing impunity against perpetrators

49. During the reporting period, the country task force observed a progressive strengthening of documentation and screening procedures for recruitment as part of efforts to prevent underage recruitment. Prior to signature of the action plan, the Tatmadaw reported that new prevention measures were introduced. Such measures include the filming of key aspects of the recruitment process in the four principal recruitment units (in Yangon, Mandalay, Shwebo and Magway); fingerprinting all prospective new recruits for inclusion on an electronic database held by the Directorate of Military Strength; circulating the names of rejected recruits to headquarters and to all recruitment units to prevent re-recruitment elsewhere; and establishing scrutiny panels of officers from the recruitment unit and training school to carry out additional age and willingness checks. Accordingly, in October 2012, the Tatmadaw advised that, as recruit screening now rests at the regional command level, a new "scrutiny board" was established in each of 14 regional commands (composed of four members including a recruitment unit officer, a training school officer, a medical officer and the regional military focal point) to review the age and the willingness of all prospective new recruits, with ultimate responsibility for ensuring that child recruitment does not occur.

50. As an indication of strengthened procedures to prevent child recruitment, the Government reported that from January 2009 to December 2012, a total of 1,830

prospective new recruits were rejected (360 in 2009; 390 in 2010; 532 in 2011; 548 in 2012).

51. The country task force also noted that a number of new military directives were issued during the reporting period stipulating an end to underage recruitment, including instructions issued in accordance with the action plan and agreed operational procedures, regarding the identification and release of underage recruits. The Tatmadaw advised that a new directive from the Directorate of Military Strength was issued in October 2012 requiring that all new recruits present an original Citizenship Scrutiny Card as a minimum prerequisite for recruitment. Recruitment officers interviewed in 2012 as part of country task force monitoring activities cited strict documentation and age-check procedures as the reason for a drop in recruitment numbers per year and some mentioned difficulties in meeting recruitment targets. Military personnel from recruitment units and training schools also reported that reduced numbers of child recruits, owing to improved screening practices and increased accountability measures, was in turn resulting in a reduced number of deserters and soldiers absent without leave.

52. The Committee for the Prevention of Military Underage Recruitment of Children continues to share reports with the United Nations on numbers of children released from the Tatmadaw (including those released under the action plan), awareness-raising activities undertaken by senior-level officers on the prevention of underage recruitment, and disciplinary actions taken against those involved in underage recruitment. The measures outlined above and the continuing efforts of the Committee for the Prevention of Military Underage Recruitment of Children provide evidence that the Tatmadaw is taking action to prevent and halt the recruitment and use of children. However, the impact of these strengthened measures and new instructions and the consistency of their application across all facilities where recruitment takes place, including their dissemination and application to border guard forces, will need to be reviewed over time as part of country task force monitoring under the action plan.

53. In response to cases of underage recruitment, the Tatmadaw increased measures to ensure accountability of those involved in underage recruitment. On 20 April 2012, the Commander-in-Chief of the Tatmadaw issued a directive that action would be taken against those who recruit children under the age of 18 under section 374 of the Myanmar Penal Code (under civilian jurisdiction), in addition to regular action taken under section 65 of the Defence Services Act (under martial law). The Government shared documents indicating that from 2009 to 2012, an increasing number of disciplinary actions were taken against perpetrators involved in the recruitment and use of children in the armed forces (40 in 2009; 51 in 2010; 55 in 2011; and 73 in 2012). The range of disciplinary measures included rank demotion, salary deduction, imprisonment, reprimand, serious reprimand, pension reduction and dismissal. The majority of cases were subjected to reprimand or serious reprimand.

54. During the reporting period, the country task force welcomed the positive development by which the Government accepted the principle that underage recruits charged with desertion be discharged and released from prison on the basis of their illegal recruitment. However, it is of concern that arrests of underage recruits who are labelled as "absent without leave/AWOL" or "deserters" continued. Some "deserters" are subjected to long-term imprisonment while others live in hiding and

are unable to pursue a normal life for fear of arrest and detention. From 2009 to 2012, ILO documented a total of 172 underage recruits who were absent without leave. Out of these cases, 16 "deserted" in 2009, four of whom were arrested and subsequently released; 24 deserted in 2010, 17 of whom were arrested and 13 subsequently released; 57 deserted in 2011, 19 of whom were arrested and none had been released by the end of the reporting period — one of whom died while in prison. A total of 75 deserted in 2012, 1 of whom was arrested. ILO documented a further 27 underage recruits imprisoned under charges of desertion, who were released under amnesty in 2012.

VI. Recommendations

55. I welcome the signature of the action plan between the Tatmadaw and the United Nations to end and prevent the recruitment and use of children and the progress made since my last report on children and armed conflict in Myanmar. It remains crucial to keep the momentum and to implement the provisions of the action plan without further delay. In this regard, I urge the Government to ensure that the following actions are undertaken immediately:

(a) Identify, register and discharge all children within the ranks of the Tatmadaw in coordination with the country task force on monitoring and reporting;

(b) Rescind the military instruction on "relaxation of age restrictions for military service in the armed forces" permitting the recruitment of those who are 16 years of age who have passed the tenth grade standard examinations;

(c) Cease with immediate effect the arrest, the harassment and the imprisonment of children or adults over the age of 18 who were recruited as minors, for desertion and/or attempting to leave the army, and ensure their swift and unconditional release;

(d) Facilitate access by the country task force on monitoring and reporting to military facilities, operational battalions and other areas where children may be present, including by allowing access to operational regiments and battalions, in addition to regional commands, recruitment units and training schools;

(e) Hold accountable perpetrators of child recruitment and use, including through systematic investigation of all incidents and prosecution of military and civilian individuals responsible for such acts. To this end, relevant military and civilian courts should also allow for independent verification of their proceedings by the country task force on monitoring and reporting;

(f) Remove all incentives and rewards for meeting recruitment targets and quotas that increase the risk of child recruitment;

(g) Facilitate access by the country task force on monitoring and reporting to other listed parties in Myanmar to engage in dialogue with a view to developing action plans to end the recruitment and use of child soldiers and to address other grave violations as appropriate.

56. While recognizing that complaints of underage recruitment can be and are independently made directly to the Ministry of Defence, I encourage the Government to maintain and strengthen the ILO forced labour complaints mechanism as it relates to underage recruitment.

57. I call on the Government of Myanmar to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict without further delay and to align national legislation and practice. I also call on the Government to fully implement recommendations made by the Committee on the Rights of the Child as contained in its concluding observations adopted on 3 February 2012, notably those related to children involved in and affected by armed conflict (CRC/C/MMR/CO/3-4).

58. In the framework of continued peacebuilding efforts of the Government, I call upon the Government to ensure that child protection provisions, including their separation and reintegration, are included in the dialogue for new ceasefires and peace agreements.

59. Taking note of the security situation, continued lack of full and unimpeded access in contested and ceasefire areas is an impediment to providing essential humanitarian assistance for children. In this regard, I call upon the Government of Myanmar to ensure full and unhindered humanitarian access by the United Nations and other humanitarian organizations to affected populations.

60. All non-State parties in Myanmar, many of whom have been listed for five years in my annual reports and are therefore persistent perpetrators, are urged to immediately halt and prevent the recruitment of children and to release all children present in their ranks in cooperation with the country task force on monitoring and reporting. These parties, who are in peace talks with the Government of Myanmar, are also requested to enter into dialogue with the United Nations for the preparation and the implementation of action plans to end child recruitment and use.

61. The country task force should, in cooperation with the Government, strengthen its monitoring, reporting, prevention and response activities regarding all grave violations against children in Myanmar, through raising awareness and building understanding, capacity and confidence among Government, non-Government, United Nations and community-based organization partners to integrate grave violations monitoring, prevention and response into their child protection and sectoral programmes.

United Nations S/2013/259

Security Council

Distr.: General
2 May 2013

Original: English

Australia, France, Luxembourg, Republic of Korea, Rwanda, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions on the situation in Somalia, in particular resolution 2093 (2013),

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Recognising the significant progress in Somalia over the past year, and *recognising* the importance of the Federal Government of Somalia, with the support of the African Union Mission in Somalia (AMISOM), the United Nations and international partners, to consolidate security and establish the rule of law in areas secured by AMISOM and the Security Forces of the Federal Government of Somalia,

Underlining the importance of supporting the Federal Government of Somalia's efforts towards peace and reconciliation in Somalia, including through effective regional cooperation, and in this regard *commending* the role of the African Union (including AMISOM), the Intergovernmental Authority on Development (IGAD), and other international partners for their important contributions towards peace and stability in Somalia,

Welcoming recent progress and positive dialogue between the Federal Government of Somalia and regional administrations, and *stressing* the importance of these administrations cooperating with the Federal Government of Somalia on peace, provision of basic services, reconciliation and the rule of law and to address the ongoing humanitarian crisis in Somalia,

Emphasising the importance of international support to Somalia's security and justice institutions, as well as capacity building in maritime security and public financial management, and *looking forward* to the 7th May 2013 Conference on Somalia in London to support progress on these issues,

Expressing concern at the ongoing humanitarian crisis in Somalia and its impact on the people of Somalia, *commending* the efforts of the United Nations humanitarian agencies and other humanitarian actors to deliver life-saving assistance to vulnerable populations, *condemning* any misuse or obstruction of humanitarian assistance, *underlining* the importance of the full, safe, independent,

13-32111 (E) 020513

Please recycle

timely and unimpeded access of all humanitarian actors to all those in need of assistance, and *underlining further* the importance of proper accounting in international humanitarian support,

Condemning the recent terrorist attacks which have undermined peace and security in Somalia, and *reiterating* its willingness to take action against those whose behaviour threatens the peace, stability, or security of Somalia,

Welcoming the Federal Government of Somalia's commitment to improving human rights in Somalia, *expressing* its concern at the reports of violations of human rights, including extrajudicial killings, violence against women, children and journalists, arbitrary detention and pervasive sexual and gender-based violence, particularly in camps for internally displaced persons, and *underscoring* the need to end impunity, uphold human rights and to hold accountable those who commit any such related crimes,

Underlining the importance of effectively-coordinated international support to the Federal Government of Somalia in line with the President's Six Pillar Policy priorities, and in this regard *looking forward* to the Conference on Somalia in Brussels scheduled for September 2013,

Taking note of the Federal Government of Somalia's intention to implement the "New Deal for Engagement in Fragile States" in Somalia,

Welcoming the appointment of Mr Nicholas Kay as the Secretary-General's Special Representative in Somalia (SRSG), and *underlining* its appreciation for the outgoing SRSG, Dr Augustine Mahiga for all his efforts towards greater peace and stability in Somalia,

Considering the recommendations of the Secretary-General in his letter of 19 April 2013 to the Security Council,

1. *Decides* to establish the United Nations Assistance Mission in Somalia (UNSOM) by 3 June 2013, under the leadership of a Special Representative of the Secretary-General (SRSG), for an initial period of twelve months with the intention to renew for further periods as appropriate, and in accordance with the recommendation of the Secretary-General;

2. *Decides* that the mandate of UNSOM shall be as follows:

(a) To provide United Nations "good offices" functions, supporting the Federal Government of Somalia's peace and reconciliation process;

(b) To support the Federal Government of Somalia, and AMISOM as appropriate, by providing strategic policy advice on peacebuilding and statebuilding, including on:

(i) Governance;

(ii) security sector reform, rule of law (including police, justice and corrections within the framework of the United Nations Global Focal Point), disengagement of combatants, disarmament, demobilisation and reintegration, maritime security and mine action;

(iii) the development of a federal system; the constitutional review process and subsequent referendum on the constitution; and preparations for elections in 2016;

(c) To assist the Federal Government of Somalia in coordinating international donor support, in particular on security sector assistance and maritime security, working with bilateral and multilateral partners, and in full respect of the sovereignty of Somalia;

(d) To help build the capacity of the Federal Government of Somalia to:

(i) promote respect for human rights and women's empowerment, including through the provision of Gender Advisers and Human Rights Advisers;

(ii) promote child protection and to implement the relevant Somali Government action plans on children and armed conflict, including through the provision of Child Protection Advisors;

(iii) prevent conflict-related sexual and gender-based violence, including through the provision of Women's Protection Advisors;

(iv) strengthen Somalia's justice institutions and to help ensure accountability in particular with respect to crimes against women and children;

(e) To monitor, help investigate and report to the Council on, and help prevent:

(i) any abuses or violations of human rights or violations of international humanitarian law committed in Somalia, including through the deployment of human rights observers;

(ii) any violations or abuses committed against children in Somalia;

(iii) any violations or abuses committed against women, including all forms of sexual and gender-based violence in armed conflict;

3. *Underlines* the importance of Somali ownership in the context of United Nations support, and in this regard *requests* the SRSG to align closely United Nations Country Team activities in Somalia with the priorities of UNSOM and to coordinate United Nations activities with the Federal Government of Somalia, as well as the African Union (including AMISOM), IGAD, the European Union and other regional, bilateral and multilateral partners in Somalia;

4. *Decides* that UNSOM shall be based in Mogadishu and deployed further across Somalia, as requested by the Federal Government of Somalia and as conditions permit, in line with the arrangements set out by the Secretary-General in his letter of 19 April 2013 to the Council;

5. *Recalls* paragraphs 20 and 21 of resolution 2093 (2013) in relation to UNSOM as a structurally integrated United Nations Mission, *welcomes* the proposed leadership and coordination structures, with a clear delineation of duties as outlined in the Secretary General's letter of 19 April 2013;

6. *Emphasises* in particular the need to ensure an integrated United Nations effort under the strategic direction of the SRSG and for the United Nations to work in a coordinated manner with AMISOM;

7. *Reiterates* that with immediate effect, all appropriate activities of the United Nations Country Team should be fully coordinated with the SRSG, including through establishing joint teams and joint strategies, while ensuring the humanity, impartiality, neutrality, and independence of humanitarian assistance;

8. *Stresses* the need for the Federal Government of Somalia to ensure that all perpetrators of serious violations and abuses of human rights and serious violations of international humanitarian law are held accountable, and *emphasises* the importance of UNSOM supporting the Government of Somalia in developing and implementing a national strategy for preventing and responding to sexual and gender-based violence;

9. *Encourages* the implementation of the Somali Maritime Security Strategy, developed through the Kampala Process, which will assist the international community in coordinating with the Somali authorities on Somali maritime challenges, including capacity-building and development, for the benefit of the Somali people and in full respect of Somali sovereignty;

10. *Recognises* the security constraints outlined by the Secretary-General, *underlines* the importance of the safety of United Nations staff, and in this regard *welcomes* AMISOM's commitment to provide a guard force of 311 troops as requested in paragraph 2 of resolution 2093 (2013);

11. *Emphasises* the importance of UNSOM adhering to the Secretary-General's Human Rights and Due Diligence Policy and the United Nations Zero-Tolerance Policy on Sexual Exploitation and Abuse;

12. *Underlines* the importance of UNSOM cooperating with the Somalia and Eritrea Monitoring Group in the relevant areas of their respective mandates;

13. *Requests* the Secretary-General to keep the Security Council regularly informed of the implementation of UNSOM's mandate, including the steps he is taking to ensure the presence of a structurally integrated mission by 1 January 2014, as well as an assessment on the political and security implications of wider United Nations deployments across Somalia, with a first report no later than 2 September 2013 and every 90 days thereafter;

14. *Decides* to review the mandate of UNSOM no later than 30 April 2014;

15. *Decides* to remain actively seized of the matter.

United Nations A/ES-10/588–S/2013/260

General Assembly
Security Council

Distr.: General
3 May 2013

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-eighth year

Identical letters dated 2 May 2013 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I regret to inform you of the continuing turmoil and deterioration of the situation in the Occupied Palestinian Territory, including East Jerusalem, due to illegal and provocative policies that continue to be pursued by Israel, the occupying Power. While serious regional and international efforts are under way to revive the path of peace and to salvage the two-State solution, Israel instead continues to choose colonization and confrontation. Even while paying lip service to the goal of peace, for not a single moment has the occupying Power ceased the oppressive and destructive measures that have for so long characterized its nearly 46-year military occupation.

As a result, the Palestinian people continue to suffer gross violations of their human rights, including through forced displacement and transfer of the civilian population, confiscation of their lands and properties, demolition of their homes, imprisonment and detention, and obstruction of their freedom of movement. In addition to Israel's perpetration of such crimes, its settlers continue their rampages throughout the Occupied Palestinian Territory, including East Jerusalem, terrorizing Palestinian civilians, attacking homes, orchards and farms, and desecrating mosques and churches.

While all these issues were highlighted by the State of Palestine during its intervention to the Security Council on 24 April 2013, I am compelled to draw the international community's attention to several incidents during the recent period, which have raised tensions and concerns.

Hundreds of Palestinians have been forcibly displaced by the occupying Power, in addition to the hundreds more families whose homes and whose existence on the land is threatened by pending military orders. The largest of these recent displacements involved the eviction and forced transfer of 100 Palestinian Bedouin families from the village of Wadi al-Maleh in the northern Jordan Valley on

Please recycle

29 April. The residents, as well as their animals, were completely evacuated and the affected area was declared by Israel to be a "closed military zone", which the occupying forces proceeded to use for military exercises that resulted in the scorching of hundreds of dunums of fields. That same day, Israel demolished four Palestinian homes in the Al-Tur neighbourhood in East Jerusalem, rendering homeless 24 members of the Gaith family, including five children and two gravely infirm persons.

Also on 29 April, Israeli occupying forces demolished a water well and facility in Al-Fawwar refugee camp in Al-Khalil, further targeting this vulnerable area. This was preceded by the destruction, on 26 April, of 22 Palestinian structures across the West Bank, forcibly displacing 28 Palestinians, including 18 children, and affecting another 120 people. Also on 24 April, the occupying forces demolished three Palestinian homes in Al-Arroub refugee camp and bulldozed several orchards. Demolition orders are also pending for part of a mosque in the Ras al-Amoud neighbourhood of East Jerusalem. In this regard, it is imperative to recall that, since 2008, more than 2,400 Palestinian homes and structures have been demolished in Occupied East Jerusalem and so-called "Area C" alone, displacing more than 4,400 people.

Further in this connection, Israel has persisted with its illegal settlement campaign, including through the construction and expansion of both settlements and the Wall that are fragmenting the contiguity of the State of Palestine and threatening the physical realization of the two-State solution on the basis of the pre-1967 borders. On 16 April, the Minister for Housing of Israel publicly declared that Israel will begin construction in the so-called "E1" area of Occupied East Jerusalem. This was followed by reports on 29 April that the Ministry for Housing had approved the construction of an additional 120 units in an illegal settlement ("Givat Zeev") in Occupied East Jerusalem. Today, another settlement outpost was illegally established by Israeli settlers near the Zatara checkpoint in the Nablus area. All such provocations are regrettable indications of Israel's insistence on entrenching its occupation, rather than of its interest in behaving in a manner that respects international law and acting to bring an end to the occupation that began in 1967.

The Bethlehem area also continues to be targeted by this insidious Israeli colonization campaign. Military orders have been issued for the seizure of tens of dunums of land belonging to Palestinians from the village of Nahhalin with the objective of connecting two nearby settlements. At the same time, construction of the Wall continues in total disregard of the 2004 advisory opinion of the International Court of Justice and numerous United Nations resolutions. Following the recent failure of a seven-year legal battle in Israeli court, planned construction of the Wall in the Cremisan Valley area near Bethelehm threatens a small community of elderly nuns, the Salesian Sisters, and their school and playground, which will be surrounded by the Wall and separated from 75 per cent of their land. In addition, at least 58 Palestinian families will lose access to their agricultural lands in the area.

These ongoing illegal practices have been accompanied by a wave of violence, terror and hate crimes by extremist Israeli settlers, who continue to target Palestinian civilians, particularly children. This has included: an attack by a group of 12 settlers on a 16-year-old Palestinian boy while he was walking to school in East Jerusalem (1 April); attacks on school buses in the Nablus area, injuring seven

children (1 April); an attack on a 25-year-old man near Al-Khalil and the running over of a 9-year-old boy near Bethlehem (15 April) and of a 60-year-old man in Al-Khalil (28 April); and, most recently, a raid on the village of Beit Furik near Nablus in which several residents were attacked and beaten (29 April), as well as the stabbing of a man by a group of settlers in East Jerusalem, an attack on a man in Bittin village near Ramallah and an attack on a school bus carrying girl students at the Huwwara checkpoint near Nablus, in which 20 people were injured (30 April).

In addition, the settlers continue to wreak havoc and destruction on Palestinian properties and land. Extremist settlers continue to vandalize homes, causing damage and sullying these homes with racist, hateful graffiti, and to torch olive groves and other farmlands. The most recent such incident occurred on 30 April, when revengeful settlers attacked Al-Ribat Mosque in Urif village near Nablus and yesterday, 1 May, when settlers ignited at least 57 fires throughout Palestine, destroying hundreds of olive, almond and other fruit trees and large areas of cultivated crops, destroying the livelihoods of yet more Palestinian families. Also, in this regard, on 27 April, Israeli settlers set fire to nine vehicles owned by the United Nations, as well as a Palestinian-owned car and three orchards in East Jerusalem.

Israel's illegal practices have continued to target the Gaza Strip, an integral part of the State of Palestine, which remains under an oppressive, unlawful blockade. On 29 April, Israel launched several military strikes against the Gaza Strip and, on 30 April, the occupying Power carried out yet another extrajudicial killing, when it targeted and killed Haitham Mishal, age 29, while he was riding a motorcycle in Gaza City. Palestinian fishermen's lives and livelihoods also continued to be targeted by Israeli fire off the coast of Gaza, affecting thousands of families. In addition, Israel has cancelled visits by Palestinian families from Gaza to their relatives in Israeli prisons.

All of these illegal Israeli policies and practices are fuelling tensions on the ground, inciting violence and provoking deeper mistrust. All of Israel's actions run contrary to international law and contrary to the efforts being made by the Palestinian leadership, along with their Arab partners, who have undertaken to revive the Arab Peace Initiative, and by the United States of America and all other concerned members of the international community to revive the path of peace and launch credible negotiations aimed at resolving all core issues, achieving a just, lasting, peaceful solution in accordance with the two-State solution on the basis of the pre-1967 borders and realizing freedom and justice for the Palestinian people.

It is high time for the international community, whose commitment to this solution has been repeatedly reaffirmed — most recently by the adoption of General Assembly resolution 67/19 of 29 November 2012 according to Palestine non-member Observer State status in the United Nations — to act consistently with its long-standing principled commitment and in accordance with relevant Security Council and General Assembly resolutions. A clear demand must be made on Israel, the occupying Power, to cease its illegal actions and commit to the path of peace. The international community, foremost the Security Council, has clear responsibilities in this regard and must no longer tolerate the occupying Power's empty pretexts, ruses and disdain for international law and will and must act collectively to hold Israel accountable for its violations and crimes. Only by being serious about peace can the international community help to make it a reality.

The present letter is in follow-up to our previous 460 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 5 April 2013 (A/ES-10/587-S/2013/218) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the State of Palestine
to the United Nations

United Nations S/2013/261

Security Council

Distr.: General
3 May 2013

Original: English

Report of the Secretary-General on the situation in the Central African Republic

I. Introduction

1. The present report is submitted pursuant to the request of the Security Council contained in its resolution 2088 (2013). In accordance with the Council's request, the report provides an update on the situation in the Central African Republic and an assessment of how the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) could further implement its priorities in the light of recent developments in the country.

II. Update on major developments

A. Background

2. In my last report (S/2012/956) I informed the Security Council that a new rebel offensive had begun on 10 December 2012, when elements of the Union des forces démocratiques pour le rassemblement (UFDR) occupied the towns of Ndélé, Ouadda and Sam Ouandja. The UFDR forces were later joined by three other movements, the newly created Convention patriotique du salut du Kodro, and the already existing Convention des patriotes pour la justice et la paix (CPJP-Fondamentale) and Union des forces républicaines. These movements organized themselves into a loose coalition, Séléka. Since then, the Secretariat has briefed the Security Council seven times on the situation in the Central African Republic.

3. In order to bring the conflict with Séléka to an end, peace talks were held under the auspices of the Heads of State and Government of the Economic Community of Central African States (ECCAS), who appointed the President of the Congo, Denis Sasso-Nguesso, as Mediator. The peace talks resulted in the signing of three documents on 11 January 2013, namely, a declaration of principles to resolve the political and security crisis in the Central African Republic, a ceasefire agreement and a political agreement. Together, the documents are referred to as the "Libreville Agreements".

4. The Libreville Agreements established that the Constitution would be upheld and that President François Bozizé would remain in power until the end of his term of office in 2016. The Agreements also provided that a Prime Minister from the opposition, with full executive powers, would be appointed; a Government of

Please recycle

National Unity with representatives of all stakeholders involved in the talks would be established; the National Assembly would be dissolved after the adoption of the new Electoral Code and the establishment of the National Authority for Elections; legislative elections would be organized within 12 months; and a new follow-up mechanism would be established to ensure full implementation of the provisions of the agreements. On 18 January 2013, President Bozizé appointed a transitional Prime Minister, Nicolas Tiangaye.

5. Pursuant to Security Council resolution 2088 (2013), the United Nations deployed an inter-agency strategic assessment mission to the Central African Republic from 18 to 26 February 2013. The mission determined that the Libreville Agreements, despite delays and inherent risks, remained the linchpin of any effort to re-establish stability in the Central African Republic. This conclusion remains valid. However, the specific recommendations on the mandate and priorities of BINUCA were overtaken by events.

6. Séléka resumed hostilities on 22 March 2013 and, two days later, entered Bangui and took control of the presidential palace. Michel Djotodia subsequently proclaimed himself President, while reappointing Nicolas Tiangaye as the Prime Minister. By "Presidential" decrees, the Constitution was suspended; the National Assembly, the Constitutional Court and the Government of National Unity were dissolved; and a transitional arrangement was put in place. Mr. Djotodia also appointed a new Government, composed of 34 members, including nine Ministers from Séléka, eight from the former opposition and one close to ousted President François Bozizé. The remaining 16 portfolios went to civil society representatives and smaller political parties. Mr. Djotodia also assumed the post of Defence Minister.

B. Political situation

7. While the unconstitutional change of government in the Central African Republic was condemned by the international community as a whole, ECCAS took the lead in defining new transitional arrangements in the country. In this regard, two ECCAS Extraordinary Summits of Heads of State and Government were held in N'Djamena, on 3 and 18 April 2013, respectively.

8. Meanwhile, the African Union Peace and Security Council strongly condemned Séléka's unconstitutional seizure of power, imposed sanctions including a travel ban on its leaders, and refused to recognize the self-appointed President. The Peace and Security Council also voiced concern over the impact that the crisis might have on the deployment and effectiveness of the African Union Regional Task Force on the Lord's Resistance Army in the eastern Central African Republic.

9. ECCAS, with the support of the international community, reaffirmed that the Libreville Agreements are the basis for transitional arrangements. The ECCAS Heads of State on 3 April recommended the establishment of a National Transitional Council that would serve as the country's parliament. The duration of the transitional period would be limited to 18 months, extendable to a maximum of 24 months, during which presidential, legislative and local elections should be held.

10. The National Transitional Council would comprise the five entities that signed the Libreville Agreements, and would also be extended to religious leaders and the

diaspora. In addition to electing the Head of the Transition, who would serve as Head of State, the Council would elect the President and the Vice-President of the National Transitional Council. The Head of the Transition in his capacity as Head of State, the Prime Minister and other members of the Government would not be eligible to run in the next presidential elections. A follow-up committee, comprising ECCAS member States and international partners and chaired by the Mediator, would be established to guarantee the implementation of the agreements. ECCAS leaders also decided to establish an International Contact Group to help mobilize support from the international community. Finally, ECCAS decided to increase the size of its regional peacekeeping force, the Mission for the Consolidation of Peace in the Central African Republic (MICOPAX), from 700 to 2,000 troops.

11. The transitional institutions and mechanisms that have been established in the Central African Republic as a result of the ECCAS decisions are fragile and require urgent support from the international community.

12. On 13 April, the National Transitional Council was established without prior consultation with national stakeholders and "elected" by acclamation Michel Djotodia, the only candidate, as Head of the Transition. The National Transitional Council also elected Alexander Armand Nguendet and Léa Koyassoum-Doumta, as President and Vice-President, respectively. Mr. Nguendet and Ms. Koyassoum-Doumta had organized the first march in support of Séléka in Bangui on 3 April 2013.

13. Many opposition and civil society leaders criticized the lack of transparency in the establishment of the National Transitional Council. In addition, it has been widely reported that there is a marked discrepancy between the lists of names submitted by the constituted bodies and those finally selected to participate in the National Transitional Council. For example, out of the 50 names provided by civil society, 22 were allegedly unilaterally replaced.

14. ECCAS leaders have recognized the inherent weakness of and potential longer-term problems linked with a contested National Transitional Council. They requested from the Central African Republic a revised composition for the National Transitional Council, with its membership increased to 135 members in order to better reflect the variety of national stakeholders, including the underrepresented segments of the population.

15. Although a strong collaboration has been established between ECCAS and the African Union on the Central African Republic dossier, there remain some differences in their handling of the crisis. The African Union has clearly indicated that it does not recognize Mr. Djotodia as President of the Central African Republic or Head of the Transition. ECCAS for its part, on 18 April, "took note" of the appointment of Mr. Djotodia by the National Transitional Council as the Head of the Transition — but not as President. This apparent difference of approach between the African Union and ECCAS could create ambiguity. There is a need to ensure that the international community speaks with one voice in order to avoid sending mixed signals to the Central African Republic, which could delay further the restoration of peace and stability.

16. The power-sharing arrangements also need to be clarified. While ECCAS has indicated that the Prime Minister would retain executive powers, as envisaged in the Libreville Agreements, Mr. Djotodia had originally indicated his intention to rule by decree. In addition, the roles and responsibilities of the Head of the Transition have

not been defined, thereby creating a source of potential confusion and conflict between Mr. Djotodia and Prime Minister Tiangaye. There is a need to ensure that the political process is inclusive, and that the winner-takes-all model that is considered one of the root causes of conflict in the Central African Republic does not prevail. This matter could be addressed through the new constitution to be developed by the National Transitional Council.

17. In the mean time, the Prime Minister is recognized by the international community as the legitimate political figure in the Central African Republic. He was appointed as part of the Government of National Unity, established under the Libreville Agreements, as a representative of civil society and opposition parties. However, as the security situation continues to deteriorate (see section C below) and he seems powerless to stop it from spiralling out of control, Prime Minister Tiangaye is increasingly being criticized by the constituents that he was meant to represent.

18. The United Nations has continued to provide support to the political process. In this regard, my Special Representative for the Central African Republic, together with the Special Representative of the Chairperson of the African Union Commission in the Central African Republic, embarked on extensive consultations to engage with the leaders of the subregion, the Government, the rebel groups, political parties and civil society. A United Nations mediation support team, including representatives from the Department of Political Affairs and its standby team of mediation experts, helped to structure the ECCAS mediation, advised on the process, and helped to draft its outcome documents. The United Nations also provided logistical support to rebel groups to ensure their participation in the peace talks held in Libreville.

19. Since the unconstitutional change of government, my Special Representative for the Central African Republic has continued to use her good offices to engage the country's stakeholders, advise on the transition process and advocate on behalf of local populations to improve the security, rule of law, human rights and humanitarian situation.

20. On 22 April, I dispatched the Under-Secretary-General for Political Affairs to the region to deliver on my behalf a message of support to the people of the Central African Republic. He met with members of the diplomatic corps, political parties, civil society representatives and the local media. During his various meetings, he expressed the deep concern of the United Nations over the deteriorating security and human rights situations in the country, as well as its solidarity with the population. He stressed that the priority in the Central African Republic was to quickly restore public order and security throughout the country and to protect civilians from abuses of all sorts. Before arriving in Bangui, he met with Prime Minister Nicolas Tiangaye in Douala, Cameroon, on 20 April.

21. Overall, there is a need for the de facto authorities in the Central African Republic to take ownership of the transition process through the National Transitional Council and to move as quickly as possible to re-establish constitutional order. The first meeting of the International Contact Group is scheduled for 3 May 2013 and will be held in Brazzaville. It will provide an opportunity for the Central African Republic to provide an update on the measures it has taken to move forward with the transition. It will also provide an opportunity to ECCAS leaders and the international community to assess progress made and convey clear messages on areas of concern.

C. Security and the rule of law

22. Since the launch of the Séléka attacks in December 2012, the country has been facing a serious security crisis, with widespread and grave violations of human rights, including arbitrary arrests and detention, sexual violence against women and children, torture, rape, targeted killings, recruitment of child soldiers and other abuses, reportedly committed by uncontrolled Séléka elements and unidentified armed groups across the country (see section D below). Some United Nations offices and residences of national and international staff members have been looted. The country is plunging into a state of general anarchy marked by a complete breakdown of law and order.

23. The situation is particularly alarming in Bangui where the looting and plundering of homes, offices, businesses and health-care facilities, as well as car-jacking and armed robberies, is ongoing and reaching levels higher than anything the city has ever experienced. Schools and many businesses remain closed in Bangui, owing to rampant insecurity.

24. Outside the capital, the security situation continues to deteriorate, with ongoing acts of vandalism, human rights violations and assault by Séléka elements against the civilian population.

25. There are increasing signs of mounting resistance from the population. On 11 April, hundreds of people protested in Bangui against violence and looting by the Séléka elements. The demonstration was triggered by the death of a motorbike taxi driver on 10 April who was chased by rebels and killed for refusing to hand over his bike. On 13 April, heavy fighting broke out in Bangui between Séléka troops and the local population. The clashes occurred when an operation conducted by Séléka to collect civilian weapons was marred by lootings, arbitrary arrests and rapes. As a result, about 30 people were killed.

26. Meanwhile, Séléka elements are reportedly targeting non-Muslim citizens, while at the same time protecting Muslims during the pillaging and raiding of some neighbourhoods in Bangui and in the regional prefectures. This situation creates resentment in Christian communities and fuels religious tensions. In this regard, through online forums, some citizens of the Central African Republic and members of the diaspora have encouraged the population to take up arms and systematically retaliate against any and all Muslims.

27. The rampant insecurity in the Central African Republic represents a serious threat to the stability of the subregion as a whole. There is a high risk of cross-border trafficking and proliferation of small arms and light weapons in the region, given the reported high number of foreign combatants within the ranks of Séléka, coupled with the fact that some elements of the national armed forces, the Forces armées centrafricaines, have deserted with their weapons. In addition, reports indicate that Séléka intends to implement a weapons buy-back programme to collect weapons from uncontrolled armed groups. Such a programme may increase the risk of cross-border trafficking of small arms and light weapons.

28. There is no confirmed evidence of the presence of explosive remnants of war in the Central African Republic. However, wherever weapons systems have been deployed and utilized, there is a likely threat from explosive remnants of war to the population. Those remnants are also a potential source of bulk explosives for the

construction of improvised explosive devices. Their early removal and destruction should therefore be considered a priority.

29. The Lord's Resistance Army (LRA), which thrives on lawlessness, is a potential additional threat to security and the rule of law in the Central African Republic. During the reporting period, seven people were allegedly killed and eight abducted by LRA, and three LRA fighters defected. On 10 January, the Uganda People's Defence Forces killed Binansio Okumu, one of the most prominent LRA commanders, north of Djema. One month later, a large cache of ivory was discovered in the same area, prompting speculation about a possible engagement of LRA in poaching as a source of funding and supplies. Indeed, the role that the exploitation of the natural resources of the Central African Republic plays in fuelling the ongoing conflict needs to be addressed as a root cause of the cyclical instability and a key factor in any future peacebuilding process.

30. At the same time, owing to the serious deterioration of security in the Central African Republic, BINUCA suspended its monitoring activities in LRA-affected areas. Uganda also announced the suspension of its operations against LRA as a result of Séléka's call for the withdrawal of non-subregional foreign troops from the Central African Republic. It was reported that Uganda's decision to withdraw has been rescinded, pending guidance from the African Union. On 30 March, Michel Djotodia announced that his regime would eradicate LRA within three months.

31. Meanwhile, consultations among the Department of Political Affairs, the Department of Peacekeeping Operations and field missions resulted in the development of a series of comprehensive United Nations standard operating procedures on the disarmament, demobilization, repatriation, resettlement and reintegration of LRA. The standard operating procedures provide a framework for efforts by United Nations peace operations, complementing specific guidelines on the management of LRA repatriation operations. They were approved by BINUCA on 15 March 2013.

32. The Séléka offensive destroyed much of the justice system of the Central African Republic. In the 10 jurisdictions of the country, looting and plundering carried out by Séléka elements has destroyed most of the infrastructure that supported the justice system, including courthouses, appeal courts, court dossiers, prisons, prison registries and prosecutor files. The justice system, including prisons, will need to be rebuilt. The destruction of administrative files related to birth and citizenship will undoubtedly create a problem during the registration of voters for the upcoming elections.

33. The Séléka offensive dismantled the policing architecture. National security and defence forces (gendarmerie, police and national army) have disintegrated. Despite repeated calls for former security and defence forces to resume their duties, to date, only a small number of the police and national armed forces officers — and none from the High Command — have resumed their functions.

34. Since Séléka seized Bangui, it has taken control of the entire territory politically and militarily, yet it is unable to restore law and order across the country. Fractures have deepened within the coalition, hampering the Séléka leadership's control over its own elements. Séléka fighters refuse to be cantoned. In addition, there are persistent tensions between different factions of the Séléka coalition, each recruiting more elements, raising the risk of an all-out confrontation among them.

Furthermore, some Séléka elements are demanding the immediate payment of allowances that were promised to them prior to the capture of Bangui. In this regard, on 22 April, around 400 Séléka elements demonstrated in Bangui to demand the payment of the promised bonus. A prolongation of this situation risks creating new dynamics in the ongoing conflict that would further complicate resolution.

35. ECCAS has deployed MICOPAX, the regional peacekeeping force, since 2008. On 31 December 2012, additional troops from the Congo, Cameroon and Gabon were deployed to the Central African Republic to support MICOPAX, bringing the total number of troops to about 700 to cover the whole country. With very limited capacities in terms of equipment, 700 troops are insufficient to end the ongoing violence and help to restore security across the country. Regional leaders have recently decided to increase the strength of MICOPAX to 2,000. This deployment is urgent, and the troops will need to be fully equipped and trained.

36. The current crisis underlines the urgency of security sector reform, once the situation has stabilized and important preconditions have been met. These include political commitment and engagement on the part of national authorities, as well as the establishment of new national mechanisms to support the security sector reform process. National defence and security forces, concentrated in Bangui, are disorganized and have limited capacity to ensure even minimum security in the capital or its immediate surroundings. The recent crisis has left a dangerous vacuum in security sector governance and oversight.

37. Furthermore, there is an urgent need to create an effective and inclusive security sector capable of providing security throughout the country. Broader security sector reform should be based on political consensus. It could include the restoration of State authority, collection of small arms and light weapons, and community recovery programmes, as well as the reintegration of ex-combatants into formal security and defence forces.

D. Human rights protection

38. The existing precarious human rights situation worsened during the conflict from December 2012 to March 2013. Before March 2013, serious and widespread allegations of human rights violations were reported both in areas controlled by Government forces and in those controlled by Séléka. BINUCA received many reports of alleged summary executions and targeted assaults, motivated by the victims' religious and ethnic identity. Other alleged grave violations include arbitrary arrest and detention (targeting, among others, family members and supporters of opposition parties), torture, recruitment of children, rape, disappearances, kidnapping and attacks on schools. The existence of several mass graves has also been reported.

39. Since Séléka took control of Bangui, hundreds of unidentified bodies have been recovered from different parts of the capital. The local Red Cross reported that at least 119 people were killed since the fall of the former government. A total of 602 wounded, including 435 people injured by bullets, were registered at hospitals in Bangui. Limited electricity and running water in Bangui have hampered the ability of first-aid responders to provide medical care to the wounded. Incidents of vandalism, armed robbery and car-jacking have been widely reported throughout the

country. Various armed groups have also been accused of extortion and the looting of private and public property, including health-care facilities.

40. The prevalent state of lawlessness has had a devastating impact on women and girls in the Central African Republic. There have been ongoing and continuous reports of sexual violence, including rape, gang rape and sexual slavery. The United Nations High Commissioner for Human Rights noted on 16 April that, since the fall of the former government on 24 March 2013, her office had received reports of 19 cases of sexual violence against women and girls in Berberati and 3 in Bangui. She further noted that this figure is most likely a serious underestimate of the actual numbers of victims of sexual violence. As she pointed out, "given the state of widespread insecurity, the absence of a reliable and functioning police force and justice system and the fear of harassment and stigma, many victims are believed to be unable or too afraid to report such abuses". The current situation marks a further deterioration since the visit to the Central African Republic of my Special Representative on Sexual Violence in Conflict in December 2012, just before the Séléka offensive was launched. The visit had already established that conflict-related sexual violence was a significant concern.

41. In January and February 2013, child protection professionals documented 27 cases of recruitment and use of children by elements of the Séléka alliance, predominantly in the prefectures of Ouham, Ombella-Mpoko and Bamingui-Bangoran. Government forces have also allegedly recruited and used children, and have committed other grave violations against children, including sexual violence. Meanwhile, youth groups in the capital of Bangui, who were encouraged by the former government to defend the city, were given light weapons and set up roadblocks throughout the capital. Children were observed among the groups. This is in clear violation of the Government's obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, ratified in December 2011. Since Séléka's offensive on Bangui, new accounts have been documented of its recruitment of children in the capital. There is also evidence of Séléka's re-recruitment of children previously separated by the United Nations from different armed groups, including 19 children formerly associated with CPJP. Séléka has allegedly also recruited young people as informants who identify places to pillage.

42. BINUCA also received reports that non-Muslim citizens were systematically targeted and Muslims protected during pillaging and raiding of some quarters in Bangui and in the regional prefectures. The clashes along religious lines that occurred between Séléka elements and the population of Ouango and Boy-Rabe in Bangui on 13 and 14 April resulted in the killing and massive displacement of civilians.

43. In addition, in a pattern already witnessed in the areas controlled by the rebellion since December 2012, administrative and political officials have been specifically targeted. In Bangui, most of the members of the former government took refuge in the MICOPAX and BINUCA premises. BINUCA continues to receive distress calls for help and assistance from the relatives of the former government officials, as well as other executives stranded or in hiding. Moreover, government buildings have become barracks for the rebels and a parallel administration has been established, which undermines the restoration of public administration and hence of State authority in the Central African Republic.

44. The abuses and violations committed by Séléka combatants and other armed elements, including cases of rape, killing, maiming, recruitment of children and forced marriages, are a source of grave concern for the protection of civilians. They also amount to serious violations of international human rights and humanitarian law.

45. In separate statements, the High Commissioner for Human Rights, my Special Representative for Children and Armed Conflict and I expressed concern about the deteriorating security situation in the Central African Republic, the acts of violence and the grave violations of human rights against the civilian population. In addition, my Special Representative on Sexual Violence in Conflict and my Special Representative for Children and Armed Conflict briefed the Security Council on the situation. The message has been loud and clear: violence must stop and perpetrators must be held individually accountable for their actions. The International Criminal Court is also closely monitoring developments in the Central African Republic. On 22 April, the Prosecutor of the International Criminal Court issued a statement warning that the crimes committed against civilians, including murder and pillaging, in the Central African Republic were under close scrutiny by her office.

46. In the short term, however, severe capacity and security constraints have hampered monitoring and reporting efforts, as well as investigations and prosecutions. There is also an acute lack of essential health and psychosocial services for survivors, many of whom remain in hiding. In the current state of lawlessness, verging on anarchy, the main feature of the human rights situation is the pervasive impunity for acts of violence throughout the country. Lack of accountability for past and present violations creates opportunities for new violations. Thus, impunity is a challenge for the transition, raising the risks of revenge, inter-communal and inter-confessional conflicts, as well as conflict driven by unaddressed grievances.

47. Nonetheless, the task force for monitoring and reporting grave violations against children, led jointly by BINUCA and the United Nations Children's Fund (UNICEF), has documented cases of recruitment and sexual violence against children, including rape, by Séléka elements. Reports of children killed and maimed while within the ranks of Séléka were also received. BINUCA and UNICEF also engaged in extensive advocacy to obtain the release of 17 of the 19 children who had been re-recruited by Séléka after having been separated by the United Nations from CPJP. Earlier, during the renewed fighting in December, UNICEF and partners evacuated 66 children, who had been separated from armed groups, from transit centres in the north-east to an emergency transit centre in Bangui. The transit centre was established to prevent their re-recruitment.

48. Within the framework of two joint communiqués of December 2012, signed by the Government of the Central African Republic, the Disarmament, Demobilization and Reintegration Steering Committee and the United Nations, a technical mission on sexual violence was deployed to the Central African Republic from 25 February to 2 March to conduct a technical review and assist in developing recommendations for the implementation of the commitments made in the communiqués. These include recommendations for strengthening the national authorities' capacity to effectively address impunity and implement relevant provisions of resolutions 2088 (2013) and 1960 (2010).

E. Humanitarian situation

49. The latest crisis has exacerbated an already difficult humanitarian situation for the population of the Central African Republic. Prior to the takeover of Bangui, more than 173,000 people had been displaced in the north and north-east of the country and further displacements have since been reported from Bangui and west of Bangui. Another 45,000 people fled the country from December 2012 to April 2013 to seek asylum in the Democratic Republic of the Congo (33,127 refugees), Chad (6,728), Cameroon (1,024) and the Republic of the Congo (400).

50. More than 80,000 people are estimated to be at risk of severe food insecurity during the upcoming lean season from May to September, and 57,000 children under 5 are at risk of moderate or severe malnutrition. These figures are likely to increase with the rise in food prices triggered by the crisis. With schools closed or occupied and teachers absent, at least 656,000 children currently have no access to education.

51. Difficult humanitarian access due to insecurity and limited road networks is the number one constraint for reaching those in need of assistance. Access has become severely curtailed since December amid the breakdown of law and order, with many humanitarian offices and warehouses looted around the country. While all parties have in principle agreed to facilitate humanitarian access, insecurity is limiting humanitarian actors' ability to reach those in need of assistance, including internally displaced persons, host communities and victims of human rights violations.

52. Humanitarian operations were expanded after the signing of the Libreville Agreements and the return to Bangui of international staff (see section F below). Priority activities included activation of the UNICEF-led rapid response mechanism, a system supported with €1.9 million from the Directorate General for Humanitarian Aid and Civil Protection of the European Commission. The rapid assessment carried out by United Nations agencies and humanitarian partners revealed pressing needs of protection, food, health, nutrition, water, sanitation and education.

53. Key humanitarian agencies have critical staff working from Bangui, and most of the international non-governmental organizations are in the process of returning to the country. Humanitarians have brought water purification products to Bangui and are delivering critical drugs, obstetric and surgical supplies, as well as food, to hospitals in the city. All 21 health facilities in Bangui have received emergency medical kits and technical support. UNICEF has also distributed basic health kits, drugs and obstetric surgical kits to 4 hospitals, 15 health centres and a maternity clinic in Bangui to meet essential medical needs in the capital over the months of May and June.

54. Additional funding is urgently required to support the humanitarian response capacity. The annual humanitarian appeal for the Central African Republic, totalling $129 million, is 22 per cent funded as at 22 April. It was estimated in March that an additional $42 million was required to respond to the new needs triggered by the crisis, and this amount is now likely to increase further. In addition to funding from the Central Emergency Response Fund, the Central African Republic Common Humanitarian Fund is being activated to provide funding to respond to critical needs.

55. While working with all parties to gain free and secure movement, in order to be able to provide humanitarian assistance to affected populations, the United Nations in the Central African Republic has conducted a programme criticality assessment to determine the immediate priority needs and the human capacity required for an effective response.

F. Impact on United Nations personnel

56. Following the unrest in December 2012, all United Nations international staff were temporarily relocated to Yaoundé. They gradually returned to their offices in Bangui and resumed operations from 13 to 27 January 2013 when the security situation improved.

57. Séléka's march on Bangui led to the decision, on 24 March, to temporarily relocate all non-essential staff to Yaoundé. A total of 40 staff, considered critical personnel, have remained in Bangui to continue United Nations operations in the country, in close collaboration with those based in Yaoundé.

58. Since then, the BINUCA compound has hosted the remaining United Nations personnel, since conditions do not allow personnel of agencies, funds and programmes to conduct activities from their respective offices and living accommodations. BINUCA and United Nations country team activities are greatly curtailed and are likely to remain so for the immediate future.

III. Observations

59. The situation in the Central African Republic, as described above, is horrifying and intolerable. The international community needs to send a strong message to Séléka leaders that there is no impunity for murder, looting, and unconstitutional changes of government. The African Union has already sanctioned seven individuals. I call upon the Security Council to consider sanctions and other steps against those who have committed gross human rights violations, including sexual violence against women and children.

60. I welcome the results of the ECCAS Summit held in N'Djamena, on 18 April 2013. I strongly support the Summit's road map, which calls for an expanded and more representative and inclusive National Transitional Council. I urge that the National Transitional Council be re-formed entirely, through an inclusive and transparent consultative process that leads to a more credible body, including with gender balance.

61. The first meeting of the International Contact Group will be held in Brazzaville on 3 May. It is an important occasion to unite the subregion, region, and the international community on a common approach to the Central African Republic. The message needs to be clear on the need to restore security and public order, to establish a representative and inclusive political process through transparent and expansive consultations, to restore humanitarian access, and to bring to justice those responsible for the recent atrocities.

62. I am concerned by the continuously deteriorating security situation and the total absence of law and order. I am particularly alarmed by what appears to be violence clearly targeted to provoke confessional fears and conflict. I call upon the Prime Minister to work with religious leaders in the country on an urgent basis to restore inter-religious harmony and prevent a tragic cycle of violence and reprisals.

63. I welcome the efforts of ECCAS and the African Union to bring about peace in the Central African Republic. I reiterate my support to the countries of the subregion for deploying the MICOPAX force to the Central African Republic. I commend the European Union for its critical financial assistance and appeal to the partners of the

Central African Republic to provide effective logistics and financial support to MICOPAX as it struggles to help restore security in Bangui and in the interior of the country.

64. In N'Djamena, ECCAS leaders agreed to raise the troop levels on the ground from 700 to 2,000. I urge that this be done quickly and with a view to the appropriate mix of troop contributors that can begin to restore stability.

65. Government authorities have had preliminary discussions with United Nations officials about the possible establishment of a United Nations peacekeeping force in the Central African Republic. There are many questions to be answered before consideration is given regarding a potential peacekeeping force. In the meantime, I urge the Council to consider short-term measures that could provide some immediate relief, such as providing support to MICOPAX, both in terms of advisory services and financing, or approving a possible mandate to other forces to play a stabilization role. I urge the Government of the Central African Republic to consider rapidly and positively the offer of South Africa to deploy troops, if requested.

66. The humanitarian situation in the Central African Republic is reaching horrific proportions. The United Nations hopes to negotiate safe passage and humanitarian corridors to move needed supplies beyond Bangui. But we need resources. The humanitarian appeal for the Central African Republic, put in place before the current crisis, is only 22 per cent funded. Many United Nations warehouses have been looted. We need additional funds now to prepare ourselves to move quickly as soon as security conditions permit. I appeal to the donor community to fill the gap in the humanitarian appeal.

67. Through its resolution 2088 (2013), the Security Council requested an assessment of United Nations priorities in the light of the new developments in the Central African Republic. As detailed in the report, there are four priority areas of action for the international community, namely (a) political dialogue; (b) security and the rule of law; (c) human rights promotion and protection; and (d) humanitarian response.

68. The United Nations will continue working closely with national stakeholders in the Central African Republic, including the Prime Minister and the National Transitional Council, as well as with ECCAS, the African Union and the international community, to help to restore constitutional order in the country as soon as possible. In this regard, we will continue to support the ongoing political process, the transitional institutions and implementation mechanisms. We will also continue monitoring and reporting on the human rights situation, and advocate with the international community to protect the vulnerable population, providing humanitarian assistance to those in need. Our ability to deliver will largely depend on the security situation and its impact on United Nations personnel.

69. I should like to thank and pay a special tribute to my Special Representative, Margaret Aderinsola Vogt, as well as to the staff of the United Nations system for their demonstrated and remarkable devotion and courage during this particularly difficult time as they discharge their duties.